



**AGENDA**  
**RIO DELL PLANNING COMMISSION**  
**REGULAR MEETING**  
**TUESDAY, JUNE 25, 2019 – 6:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

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**WELCOME.....***By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. CONSENT CALENDAR

- 1) 2019/0625.01 - Approve Minutes of the May 16, 2019 Special Meeting **(ACTION)**

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F. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2019/0625.02 - Approve Resolution No. PC-140-2019 approving, denying, or modifying the Studebaker (Humboldt 454) Cannabis Activity Conditional Use Permit (CUP) CUP-17-03-M-3 **(ACTION)**

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H. STAFF COMMUNICATIONS

I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need Special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for  
Tuesday, July 23, 2019 at 6:30 p.m.***

**RIO DELL PLANNING COMMISSION  
SPECIAL MEETING MINUTES  
MAY 16, 2019**

**CALL TO ORDER**

Commissioner Angeloff called a special meeting of the Rio Dell Planning Commission to order at 5:30 p.m.

Present were Commissioners Angeloff, Kemp, Marks, Millington and Planning Commission Alternate Arsenault.

Others present were Community Development Director Caldwell and City Clerk Dunham.

**CEREMONIAL MATTERS**

Swearing in and Seating of Newly Appointed Planning Commissioner Jacqui Wilson  
City Clerk Dunham administered the Oath of Allegiance to Jacqui Wilson, appointed to fill the unexpired term of Planning Commissioner Mike Strahan.

**CONSENT CALENDAR**

Planning Commission Chair Angeloff asked if any Planning Commissioner or member of the public would like to remove any item from the consent calendar for separate discussion.

Commissioner Millington removed the minutes for separate discussion.

She said that with regard to retail sales of cannabis products in the Town Center, she had questions regarding parking, the connection between that and the Studebaker conditions of approval, and the length of time on the buildout of the Humboldt Rio Dell Business Park (HRDBP) versus retail sales in the Town Center.

She expressed concern that it was mentioned at the meeting that the Studebaker property was for sale and wondered why the City would wait to allow for retail cannabis sales in the Town Center because of a property that was for sale at the HRDBP.

Commissioner Angeloff explained that the only thing the Commission is waiting to allow in the Town Center is micro-businesses because they wanted to see things flushed out at the Humboldt Rio Dell Business Park (HRDBP) first. He said that it

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was his understanding that they planned on becoming operational and perhaps selling the property next year.

Commissioner Marks commented that there was discussion regarding the extension of time to install the fence and in the event the property sold, the condition would still apply, as it would go with the land not the owner.

Commissioner Millington asked if the Commission established a timeline on the buildout of the HRDBP before allowing activity in the Town Center.

Community Development Director Caldwell explained that it would be at the discretion of the City Council regarding if and when to allow micro-businesses in the Town Center. Staff would prepare draft language then come back to the Planning Commission for a recommendation to the City Council. He noted that they do not really want to sell the property but if someone offered them \$4.5 million, they would sell. He said that they believe they could make around \$4 million a year once they are up and running.

Commissioner Marks asked if the Studebaker project met their construction timeline.

Community Development Director Caldwell reviewed the inspections to date and said that they were moving forward as planned. He pointed out that they would not be able to get their permit until everything except the fence is completed, including the landscaping.

Approve Minutes of the March 26, 2019 Regular Meeting

Motion was made by Millington/Marks to approve the minutes of the March 26, 2019 meeting as submitted. Motion carried 5-0.

**PUBLIC PRESENTATIONS**

None

**SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS**

**2019-2027 Housing Element Workshop**

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Housing Element Discussion Regarding the Sixth Cycle Housing Element Requirements, Housing Needs Allocation (RHNA), Housing Constraints, Site Inventory and Housing Policies

Community Development Director Caldwell provided a staff report and said that at the March 26, 2019 regular meeting, staff provided a brief overview of the Housing Element requirements and asked Commissioners to look over the information and be prepared at this meeting to discuss or suggest any changes that would possibly help facilitate housing development within the City.

He continued with review of Table D *Housing Programs Progress Report*, progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element. Action Plans A-1 – E-2 were reviewed including the objective, timeframe and status of program implementation.

Action Plan A-6 was discussed which was to increase development potential of small, individual lots under single ownership so that the maximum development potential allowed by zoning is achieved.

Staff and the Commissioners agreed that the language was vague and it was suggested staff come back to the Commission with modified language incentivizing development, perhaps on lots less than 10,000 sq. ft. and language regarding variances.

Commissioner Millington pointed out that when she refinanced her property, the bank wanted her to merge her lots together so they could have a lien on both parcels but rather than do that, she went to another bank.

Community Development Director Caldwell said that under Action Plan B-1, the objective is to seek funding from federal or state sources to continue rehabilitation of the City's housing stock. He commented that the problem is that many people cannot qualify under the CDBG Housing Rehabilitation Loan Program because of the loan to value ratio. He noted that Paula Mushrush from the County of Humboldt would be assisting the City with its CDBG program and finding ways to get more money for economic development. He said that it is a highly competitive and complex ever-changing program so her services will be extremely helpful. He added that there might be up to \$3 million available for over-the-counter loans for developers at a low interest rate, which would be good. In addition, the City Council

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set aside \$20,000 in the budget for an income survey, which is required to be conducted by an independent third party.

Planning Commission Alternate Arsenault asked if there was any oversight or restrictions on CDBG rehabilitation loans.

Community Development Director Caldwell explained that there are restrictions noting that it must be housing related but that it primarily covers any necessary repairs to get a home in good shape.

Community Development Director Caldwell commented that Commissioner Marks brought up the ability for the City to impose improvements on mobile home parks such as curb, gutter and sidewalks as well as individual water meters. He said that although the State Housing and Community Development (HCD) regulate mobile home parks, the City could still develop performance standards that would require such things as sidewalks. He noted that since a mobile home park is a discretionary permit in most cases, he was surprised that the Riverside Estates was not required to install sidewalks in the park.

Commissioner Millington questioned the reason no one had moved forward with Phase 2 and 3 of the Riverside Estates as originally planned.

Community Development Director wasn't sure why but said that he was surprised that additional development had not occurred because mobile home parks are usually a profitable investment.

Commissioner Millington commented that there was an issue related to not having a secondary access to the park and suggested development of Phase 2 as a gated community utilizing the existing entrance.

Under Action Plan B-3 regarding water and sewer infrastructure improvements, staff pointed out that the City completed significant improvements to the City's wastewater and water systems so those issues are no longer a constraint for housing. In addition, City staff is slowly identifying and correcting I & I problems in the City and recently experienced an SSO (Sanitary Sewer Overflow) at the end of

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Painter St. Staff will be attending a funding workshop in June to see if state or federal funding is available to correct that problem.

Community Development Director Caldwell noted that the City has existing Sewer Lateral Testing requirements so whenever any property is to be sold or transferred, the sewer lateral from the house to the street is tested for I & I (inflow and infiltration) and all necessary repairs are required before the City will sign off.

Under Action Plan C-1 where it mentioned mobile homes allowed as secondary dwelling units, Commissioner Angeloff suggested they be referred to as manufactured homes rather than mobile homes.

Commissioner Marks referred to the duplex on Hilda Ct. and asked if the City could restrict developments such as Hilda Ct. to require that they all be single-family dwellings.

Community Development Director Caldwell noted that the City would want to allow secondary units to provide for affordable housing. He explained the difference between a duplex and a second dwelling unit and said that a duplex is two identical units with a mirror image. He noted that a second dwelling unit must face the street or have a ten-foot setback on the side yard. The unit on Hilda Ct. does not have that because staff was not aware of that requirement at the time it was constructed.

Commissioner Millington admitted that as a realtor, she used to suggest to homebuyers that they build family rooms with a wet bar, bathroom and exterior door for future conversion to a second dwelling unit.

Under Action Plan C-2 to promote equal housing access by distributing information in both English and Spanish, the City has done that, thanks to Carmen in the front office.

Community Development Director Caldwell noted that the majority of the items on the progress report had been completed since the last housing update in 2011, which is a feather in the City's cap.

Under Action Plan D-1, regarding *Housing Condition and Building Activity*, staff noted that the City does track housing starts and other building activity. In addition,

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the City adopted the International Property Maintenance Code along with the other building codes.

Discussion continued regarding the need to be more pro-active with regard to code enforcement efforts.

Commissioner Angeloff expressed the need to target available land for infill within each zone and establish a plan.

Community Development Director Caldwell said that the land inventory survey would be included in the housing element. He said that the City does not have a shortage of land, noting that under the current zoning designations, there is potential for 9,500 more residents which is almost triple the current population.

He pointed out that the vacant land at the end of Painter and Rigby owned by the Catholic Church was zoned Suburban Low, 1 acre minimum because of the City's cease and desist order under the old wastewater treatment plant so some lands had to be zoned as 1 acre minimum until such time the plant was updated. He said if it is the desire of the City Council and the Planning Commission, the zoning could be changed to allow for greater density. He indicated staff's goal is to get the environmental document to the State Clearinghouse by June 15 so the 45-day review period would end around August 1 when the draft Housing Element needs to go to the State for their review and approval. As such, the list of vacant buildable parcels should be available by the next planning commission meeting in June.

Commissioner Millington asked if a second dwelling unit could be taller than the primary residential unit.

Community Development Director Caldwell explained that there is language at the state level that says that the secondary unit must be subordinate to the primary dwelling and noted that in the City's regulations there is a height limit of 24 feet for residential units. He indicated that there are exceptions for secondary units above the 24 feet such as above garages through the Conditional Use Permit process. It could be supported if the neighbors are in agreement and it does not change the character of the neighborhood.

He explained that the 71 units at risk due to market rate units are referring to the 49 unit apartments and 24-unit senior apartment on Rigby Ave. less two managers'

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units. He noted that the owners of the 49-unit complex had to execute a 55-year agreement to get tax credits. The 24-unit senior apartments are no longer tied to the state's restrictions but rental rates are still fair and reasonable. He noted that the new Danco Supportive Housing Project also has a 55-year affordability index clause in their agreement with the state.

Under Action Plan E-2, staff explained that the City does not have a representative appointed to serve on the County's Homeless Task Force but the City did participate in the recent point-in-time survey to identify homelessness in Rio Dell.

Commissioner Marks asked if the City has minimum square footage requirements for secondary dwelling units.

Community Development Director Caldwell noted that there are no minimum size requirements however; the building code sets minimum size restrictions as far as habitable space. He indicated that they did reduce the size for junior accessory units from 120 sq. ft. to 70 sq. ft. during the last building code cycle. He pointed out that a secondary unit must have a kitchen so the smallest square footage to meet the building code would be roughly 300 sq. ft.

Commissioner Marks commented that she would like the square footage of a secondary dwelling unit to be a minimum of 500 sq. ft.

Community Development Director Caldwell explained that the City's regulations cannot be more restrictive than the state's and that the City's hands are tied regarding secondary dwelling units. He indicated that they might need to be referred to as accessory dwelling units rather than secondary dwelling units to be consistent with the State.

Commissioner Marks asked if the Commission, as part of the Design Review process could identify the type of trees for new developments.

Community Development Director explained that design review applies to multi-family developments.

Community Development Director Caldwell asked commissioners to look at the action policies and other housing elements in their spare time and identify other policies that might work in Rio Dell to help promote housing affordability.

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Commissioner Angeloff suggested considering CDBG loans or grants for water and sewer connection fees for low-income housing projects.

Community Development Director Caldwell noted that the developer or property owner would be required to sign an agreement with an affordability clause for a determined number of years.

Discussion continued regarding inclusionary housing where low-income housing is combined with some of the more affluent neighborhoods.

Community Development Director Caldwell commented that they have found that people in the low-income homes, when placed in these neighborhoods tend to take more pride in their property. He said one option to encourage inclusionary housing would be to offer density bonuses to developers.

Commissioner Angeloff said that he would like to understand the numbers of vacant parcels, plan development strategies and think about in detail what the City wants to do as far as future development. He said to incentivize housing development to upper stories, the fire department would probably need to have a ladder truck.

Community Development Director Caldwell said he would contact the Fire Chief for his thoughts on the matter.

Community Development Director Caldwell reiterated that the land inventory survey would be completed by the next meeting in June and he hoped to have the environmental document done as well.

**ADJOURNMENT**

The meeting adjourned at 7:17 p.m. to the June 25, 2019 regular meeting.

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Nick Angeloff, Chair

Attest:

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Karen Dunham, City Clerk

675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



**For Meeting of: June 25, 2019**

☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: June 17, 2019

Subject: Modification # 3 to the Studebaker (Humboldt 454) Cannabis Activity Conditional Use Permit

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**Recommendation:** That the Planning Commission:

1. Receive staff's report regarding the proposed modification to the Studebaker Conditional Use Permit to allow the applicant to process, package and distribute both onsite and offsite produced cannabis and retail sales of immature plants as allowed by State law; and
2. Open the public hearing, receive public input, close the public hearing and deliberate; and
3. Adopt Resolution No. PC 140-2019 either: 1) approving the request; 2) denying the request; or 3) approving a modified alternative.

**Background**

The Planning Commission approved the Studebaker Conditional Use Permit at your meeting of August 22, 2017. One of the conditions of approval required the installation of a wrought iron fence along the front property line parallel to Northwestern Avenue. The property line is adjacent to Northwestern Pacific's sixty-six (66) foot railroad right of way on the east side.

In September of 2017 the owners made application to modify the conditions of approval to replace the existing chain link fence on the west side of the right of way and Northwestern Avenue with the wrought iron fence. Staff supported the proposed relocation and your Commission approved the modification. The wrought iron fence was recently installed.

The second modification requested that the existing chain link fencing surrounding the property not have to be removed and replaced with either black vinyl coated or wrought iron fencing. Below is a copy of the modified condition of approval.

*17. Security perimeter fencing shall be installed. The type of fencing shall be identified by the Planning Commission. The fence along the front of the parcel (parallel to Highway 101) shall be a black wrought iron fence. **All other perimeter fencing shall be black vinyl coated or wrought iron fencing.** The wrought iron fencing shall be located at the eastern edge of the Northwestern Avenue right of way.*

The Planning Commission decided to not modify the condition of approval. However, they did allow the applicant to defer the condition until April 5, 2020.

The current request would allow Humboldt 454 to process, package and distribute both onsite and offsite produced cannabis and retail sales of immature plants as allowed by State law. Staff has no objection to the request and recommends approval. The operations would be subject to the original Plan of Operation, including security and record keeping as required by the current permit and the requirements of the State.

#### **Attachments:**

Attachment 1: Exhibit A, Revised Conditions of Approval

Attachment 2: Resolution No. PC 140-2019.

## EXHIBIT A

### Conditions of Approval

Studebaker. Conditional Use Permit

File No. 205-111-068; Case No's. CUP 17-03

Conditions in blue added at the Planning Commission Meeting of August 22, 2017.

Condition 17 Modified by Planning Commission at Meeting of September 26, 2017

Condition 17 Modified by Planning Commission at Meeting of March 26, 2019

### Conditions of Approval

1. **Security Plan:** The permittee shall modify the security plan to include the information required by Section 40200 et. seq of the California Code of Regulations. At minimum, the security plan shall include a description of the security measures to be taken to:

(a) Prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:

(1) Establishing physical barriers to secure perimeter access and all points of entry into a manufacturing premises (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);

(2) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;

(3) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;

(4) Maintaining the premises such that visibility and security monitoring of the premises is possible; and

(5) Establishing procedures for the investigation of suspicious activities.

(b) Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:

- (1) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the manufacturing process;
  - (2) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
  - (3) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
  - (4) Providing designated areas in which personnel may store and access personal items.
- (c) Secure and back up electronic records in a manner that prevents unauthorized access and that the integrity of the records is maintained.

## **2. Records and Reporting**

Record Retention. The term record includes: all records, applications, reports or other supporting documents required by the City and the State.

- (a) Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.
- (b) Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.
- (c) All records related to commercial cannabis activity are subject to inspection by the City.
- (d) A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.
- (e) Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:
  - (1) City and State issued permits and license(s);
  - (2) Plan of Operations;

(3) All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;

(4) Any supporting documentation for data or information input into the track-and-trace system;

(5) Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;

(6) Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;

(7) Training records, including but not limited to the content of the training provided and the names of the employees that received the training;

(8) Contracts with other state licensed medical cannabis businesses;

(9) Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;

(10) Security records; and

(11) Records associated with the composting or disposal of waste.

(f) All required records shall be prepared and retained in accordance with the following conditions:

(1) Records shall be legible; and

(2) Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

### **~~3. Background Checks~~**

~~Owner(s) or employee(s) who makes or will make operational or management decisions that directly impact the business shall consent to a background check pursuant to Section 19322(a)(1)(A) of the Business and Professions Code, including submitting to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of State or~~

~~Federal convictions and arrests, and information as to the existence and content of a record of State and Federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal. The applicant shall be responsible for the costs associated with the required background check.~~

~~(i) No Owner or employee who makes or will make operational or management decisions that directly impact the business shall have been convicted of an offense, or is currently free on bail or on his or her own recognizance pending trial or appeal for an offense, that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, including but not be limited to, the following:~~

~~(A) A felony conviction for the illegal possession for sale, manufacture, transportation, or cultivation of a controlled substance;~~

~~(B) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.~~

~~(C) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.~~

~~(D) A felony conviction involving fraud, deceit, or embezzlement.~~

**4. Processing and Distribution:** The applicant shall comply with all State regulations regarding processing, packaging and distribution, including packaging and labeling.

**5.** All wiring and associated controllers shall be in waterproof conduits or located above the base flood elevation (BFE). **Completed.**

**6.** Parking spaces shall be clearly delineated with white 4 inch wide lines and that the stripping be continuously maintained in a clear and visible manner. **Administratively deferred until November 1, 2019.**

**7.** Concrete curbing at least 6 inches in height and 6 inches wide shall be installed around the perimeter of the parking landscaped areas. **Completed.**

**8.** Any exterior light fixtures must be LED and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties. **Completed.**

9. The applicant shall provide five (5) bicycle spaces and two (2) motorcycle parking spaces. Each motorcycle space shall have a minimum dimension of four (4) feet by seven (7) feet long. [Administratively deferred until November 1, 2019.](#)
10. The applicant shall provide one 11' x 35' loading space with at least 14 feet of vertical clearance. The loading area must be striped and identified for "loading only" and the striping and notation must be continuously maintained in a clear and visible manner. [Administratively deferred until November 1, 2019.](#)
11. The landscape strips shall be design/constructed to act as retention/detention facilities. [Completed.](#)
12. The applicant shall provide four (4) lighted exits within the cultivation area and a one-hour fire wall between the cultivation area and the water tank manufacturing area. [Completed.](#)
13. **Community Relations:** Each cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis facility. Each cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the cannabis facility. [Completed.](#)
14. **Inspections:** Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.
15. **Highway 101, Metropolitan Heights and Northwestern Intersection Improvements:** Any required improvement costs to the Highway 101 and Metropolitan Heights and Northwestern Intersections will be shared among the developers based on the number of daily trips generated by their uses.
16. The applicant shall execute the Release of Liability and Hold Harmless Agreement required by Section 17.30.195(4) of the Rio Dell Municipal Code (RDMC). [Completed.](#)
17. Security perimeter fencing shall be installed. The type of fencing shall be identified by the Planning Commission. [The fence along the front of the parcel \(parallel to Highway 101\) shall be a black wrought iron fence. All other perimeter fencing shall be black vinyl coated or wrought iron fencing. The wrought iron fencing shall be located at the eastern edge of the Northwestern Avenue right of way. The fencing shall be installed by April 5, 2020.](#)

18. The garbage/recycling area shall be located at the rear of the building so as not to be visible from Highway 101. The garbage/recycling area shall be screened utilizing a cyclone fence with privacy slats, a 6 foot board on board fence or a concrete masonry unit wall. Administratively deferred until November 1, 2019.

~~19. The applicant shall establish and/or participate in a Track and Trace program approved by the City should cultivation activities commence prior to the State's Track and Trace program which is scheduled to be effective January 1, 2018.~~

20. The applicant shall provide 29 delineated (painted) parking spaces, including two handicap van spaces. Regular spaces shall be 8.5' x 19'. Handicap spaces shall be located so they are the closest spots to the accessible entrance. The size of the spaces shall be that required by Chapter 11B of the California Building Code. Handicap spaces will be delineated and signed on or before June 28, 2019. The remaining spaces are Administratively deferred until November 1, 2019.

### **Operational Conditions**

1. All outdoor storage materials and equipment shall be screened from public view.
2. The building, parking lot, stripping and landscaping shall be maintained in good condition. The stripping shall be permanently maintained in a clear and visible manner.
3. The storm drain system, including the detention/retention basin shall be maintained to ensure it works properly.

### **Informational Notes**

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Bear River Band of the Wiyot Nation, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.
2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project

subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

**RESOLUTION NO. PC 140-2019**



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
REGARDING THE STUDEBAKER MODIFICATION TO THE APPROVED CANNABIS  
ACTIVITY CONDITIONAL USE PERMIT.**

**WHEREAS** Shawn Studebaker made application for a Conditional Use Permit for 9,800 square feet of indoor cultivation of cannabis within an existing 23,500+/- square foot building, processing, including packaging and an appurtenant nursery; and

**WHEREAS** the applicant has requested that they be approved to process, package and distribute cannabis grown offsite consistent with State law; and

**WHEREAS** the applicant has also requested that they be allowed to operate a retail nursery consistent with State law; and

**WHEREAS** based on the information submitted, staff recommends that the Planning Commission approve the applicant's request; and

**WHEREAS** the proposed project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**WHEREAS** the project modification is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Based on the nature of the proposed projects, staff believes there is no evidence to suggest that the project modification will have a *significant* effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Rio Dell, finds

(a) The proposed use and modification is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

(b) The proposed use and modification is consistent with the general plan and any applicable specific plan;

(c) The design, location, size, and operating characteristics of the proposed activities are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of uses being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the modification would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit modification has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Rio Dell, approves the applicant's request to process, package and distribute both onsite and offsite produced cannabis and retail sales of immature plants as allowed by State law.

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on June 25, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 140-2019 adopted by the Planning Commission of the City of Rio Dell on June 25, 2019.

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Karen Dunham, City Clerk, City of Rio Dell